

EXHIBIT A

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➔ TX DCJ Parole/Probation Detail

<i>SID Number</i> REDACTED	<i>TDCJ Id Number</i>	<i>Name</i> DREW,STEPHEN SCOTT	<i>Date of Birth</i> REDACTED
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Probation Data

<i>SID Number</i> REDACTED	<i>Arrest Date</i> REDACTED	<i>Offense Date</i> REDACTED	<i>NCIC Code</i> REDACTED
<i>NCIC Description</i> REDACTED	<i>Sentence Date</i> REDACTED	<i>Sentence Length (yymmdd)</i> REDACTED	

Parole Data

none found

Your account has been charged 1 'Look-up' on March 6, 2012 at 9:03:03.

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EXHIBIT "B"

4. In March 2012, another investigator in the Corporate Security group, Cheryl Anderson, informed me that based upon the public record search she performed using PublicData.com, a prospective Luminant employee, Stephen S. Drew, appeared to have a criminal conviction **REDACTED** in Rosebud County, Montana. Anderson is a licensed private investigator and works in the EFH corporate offices in Dallas, Texas.

5. After talking with Anderson, I contacted the Sherriff's Department in Rosebud County, Montana to inquire about the conviction and obtained a copy of Drew's Sentencing Order. The document attached hereto as **Exhibit A** is a true and correct copy of the Sentencing Order I received from the Rosebud County, Montana Sherriff's Department. It was the regular course of my work for EFH Corporate Services Company to collect this information.

6. I hereby declare under penalty of perjury that the foregoing information is true and correct within my personal knowledge.

Maurice Floyd
Maurice Floyd

March 12, 2013
Date

Sworn to and subscribed to before me, a Notary Public, this ____ day of March, 2013.

Deborah Mashburn
Notary Public, State of Texas

My Commission Expires: _____



9946

**MONTANA SIXTEENTH JUDICIAL DISTRICT COURT
ROSEBUD COUNTY**

STATE OF MONTANA,

Plaintiff,

-vs-

STEPHEN S. DREW,

Defendant.

Cause No. DC 2002-16

The Honorable Gary L. Day

SENTENCING ORDER

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So Ordered this 30th day of May, 2003, as and for May 20, 2003.

cc: June 2, 2003
Michael Hayworth
Rosebud County Sheriff
Roxy Silver, Probation & Parole
John Forsythe, Defense Attorney
Michael Sullivan, SouthCentral Treatment Associates

The Honorable Gary L. Day
SIXTEENTH JUDICIAL DISTRICT



REDACTED

NOT RECORDED TO FILED
AND RECORDED TO FILED

10. If an applicant is selected for an interview, it is the usual practice of EFH and Luminant to have the applicant interview with the hiring manager at the prospective location of work, which, in Drew's case, was Three Oaks Mine in Elgin, Texas.

11. Luminant extended Drew an offer of employment on February 27, 2012, contingent upon his successful completion of a background check, drug screen and reference check. When he accepted Luminant's conditional offer of employment, Drew agreed to relocate to Texas.

12. The business record attached hereto as **Exhibit C** is a true and correct copy of the conditional offer of employment EFH sent to Drew in February 2012.

13. After Luminant extended Drew a conditional offer employment, it was brought to my attention that the EFH Corporate Security group, located in Dallas, Texas, had determined that Drew had a prior criminal conviction in Rosebud County, Montana. Kathie Hemphill, Senior Recruiting Coordinator for EFH, gave me a copy of the Rosebud County, Montana Sentencing Order that had been obtained by the Corporate Security group.

14. In April 2012, I decided to rescind Drew's conditional offer employment based upon the fact and nature of Drew's conviction REDACTED as reflected in the Sentencing Order that EFH obtained from the Rosebud County Sheriff's Office. I did not receive or review any information from PublicData.com in making the decision to rescind Drew's conditional offer of employment. I called Drew to inform him of this decision on April 5, 2012. I made both the decision to rescind Drew's conditional offer of employment and the phone call to Drew informing him of the decision from the EFH corporate offices in Dallas, Texas.

15. The documents attached hereto as **Exhibits A, B and C** are records maintained by EFH and Luminant in the regular course of business. It was the regular course of business of

Resume Profile: Stephen S Drew

Address:	REDACTED	Primary Phone:	469- REDACTED
City/State/Zip:	Dallas, TX 75287	Secondary Phone:	469- REDACTED
Country:	US	E-Mail Address:	<u>texasistheplace@</u> REDACTED

Date Available:	09-06-2010	Contact Comment:	Call anytime cell phone or via email
Referral Source:	Energy Future Holdings Website	Descriptive Phrase:	Engineering Technical Analyst

→ General Information

Drivers License Number:	REDACTED
State of Issuance:	TX
Class:	C

→ Employment Preferences

Industry of Last Employer:	Mining
What are your areas of expertise ?:	Craft/Technical, Engineering, Environmental, Information Systems, Mining
What kind of Job are you looking for ?	Full Time (Exempt), Full Time SNE (Non-exempt) Hrly
Desired Salary Range:	\$30-40K Year
% of Travel:	Up to 50%
Job Level:	Experienced/Non-Manager
Are you willing to relocate?	Yes ANY
Additional Relocation Comments.	
Are you willing to accept shiftwork ?	Yes
When would you be available to start ?	09-06-2010

→ Education Information

Highest Level of Education:	High school diploma, GED or equivalent
Name of High School:	Bryan High
Location:	Bryan, TX
Degree Received:	Diploma

Name of the University (Where degree was/will be completed):	TX-Sam Houston State University
Location:	Hunstville, TX
Years/Hrs Completed:	4
Degree Received:	Industrial Tech
Major:	Design and Development
Date Degree Received:	1990
GPA:	3.0

Name of Other School:	
Location:	

Years/Hrs Completed:
 Degree Received:
 Major:
 Date Degree Received:
 GPA:

→ **Licenses Certification**

1. License and/or Certifications Name:	Comptia A+
Date Certified:	04-01-2010
License and/or Certifications Number:	REDACTED
Status / Expiration:	Active
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2. License and/or Certifications Name:	Comptia Network+
Date Certified:	05-10-2010
License and/or Certifications Number:	REDACTED
Status / Expiration:	Active
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3. License and/or Certifications Name:	Microsoft Certified Technology Specialist
Date Certified:	08-24-2010
License and/or Certifications Number:	REDACTED
Status / Expiration:	Active
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U.S. Military Service Branch:	
Rank:	
Date Entered:	
Date Separated:	

→ **Employment History**

May we contact your present employer? Yes

1. Present or Last Employer:	
Address:	
Job Title:	
Supervisor:	
Telephone:	
Date Employed:	From: To:
Starting Salary:	
Final Salary:	
Average Hours Worked/Week:	
Type of Business/Work Performed:	
Reason for Leaving:	

2. Previous Employer:

Address:

Job Title:

Supervisor:

Telephone:

Date Employed: From: To:

Starting Salary:

Final Salary:

Average Hours Worked/Week:

Type of Business/Work Performed:

Reason for Leaving:

3. Previous Employer:

Address:

Job Title:

Supervisor:

Telephone:

Date Employed: From: To:

Starting Salary:

Final Salary:

Average Hours Worked/Week:

Type of Business/Work Performed:

Reason for Leaving:

→ **Resume / Work History**

Resume

Stephen Drew

Dallas, Texas 75287

REDACTED

Cell: (469) REDACTED

ENGINEERING TECHNICIAN ANALYST

An Engineering Technician Analyst with a proven track record for providing professional and technical support services for engineering, geological, scientific, environmental and business operating units.

ANALYTICALLY STRONG: An effective professional providing strong support for all phases of coal mine engineering and economic analysis, project scheduling, special projects, budgeting and reserve reporting.

PROBLEM SOLVER: Proficient problem solving skills directed towards solving complex special project assignments that delivered accurate and positive results.

DATABASE MINER: Strong track record of accurately delivering quality statistical data and record verification while building and maintaining vital complex databases.

PROFICIENT RESEARCHER: Proven background of achieving knowledge through research, study and information gathering to provide documentation for project data and special reports.

TECHNOLOGICALLY ROBUST: Strong computer skills for developing, maintaining and editing, databases spreadsheets and special programs to provide accurate and technical information.

PROFESSIONAL EXPERIENCE

contract operations. Prioritized work schedules, and administered work orders to staff.
 Established preventative maintenance programs to reduce operational and facilities equipment downtime.
 Provided major and minor replacement or repairs on commercial and housing facilities including HVAC, mechanical and electrical systems, plumbing, carpentry, painting, walling, flooring, roofing and other various general repairs.
 Managed inventory of materials, parts and supplies.
 Conducted quality assurance inspections and follow-up procedures to insure proper workmanship, customer satisfaction, and verify work schedule adherence.

TECHNICAL SKILLS

Platforms – MS Windows 2000, NT 4.0, Windows XP, VISTA, Windows 7, AIX, UNIX

Hardware – Dell, IBM, GATEWAY, Compaq, MAC, Laptop

Applications – Vulcan Mine Planning Suite, Mincom, Access, Excel, MS Project, PowerPoint, Oracle, Oracle SQL, MS SQL Server 2000

EDUCATION

Sam Houston State University – B.S. Industrial Technology (Design and Development)

CERTIFICATIONS AND TRAINING

Montana Mine Foreman Certification
 MSHA OSHA Safety, CPR/First Responder training,
 Compia A+, Compia Network+ Microsoft MCTS

→ Work Authorization

Have you ever been convicted of, pled guilty or nolo contendere (no contest) to, or received probation or deferred adjudication for a felony or misdemeanor, including traffic tickets, or are you presently under indictment? (A positive response to this question does not necessarily disqualify you from employment, but an untruthful answer does)

REDACTED

If yes, please explain:

REDACTED

Have you ever had your Drivers License suspended ?

No

Have you previously been employed by any EFH Companies (this includes Energy Future Holdings, Luminant, TXU Energy, and Oncor):

No

If yes, when/where:

Are you a current or previous employee of Hewitt, Cap Gemini or Atmos Energy ?

No

If yes, when/where:

Relatives now employed by any EFH Companies (including in-laws). List name(s) and relationship:

Resume Profile: Stephen Drew

Address:	REDACTED	Primary Phone:	469- REDACTED
City/State/Zip:	Hurricane, WV 25526	Secondary Phone:	469- REDACTED
Country:	US	E-Mail Address:	REDACTED

Date Available:	10-10-2011	Contact Comment:	email or phone
Referral Source:	Energy Future Holdings Website	Descriptive Phrase:	Engineering CAD Technician

→ General Information

Drivers License Number:	REDACTED
State of Issuance:	TX
Class:	C

→ Employment Preferences

Industry of Last Employer:	Manufacturing and Production
What are your areas of expertise ?:	Craft/Technical, Engineering, Environmental, Information Systems, Mining
What kind of Job are you looking for ?	Full Time (Exempt), Full Time Barg. Unit (Non-exempt), Part Time Hourly (Non-exempt), Full Time SNE (Non-exempt) Hrly
Desired Salary Range:	\$40-50K Year
% of Travel:	Up to 50%
Job Level:	Experienced/Non-Manager
Are you willing to relocate?	Yes ANY
Additional Relocation Comments.	
Are you willing to accept shiftwork ?	Yes
When would you be available to start ?	10-10-2011

→ Education Information

Highest Level of Education:	Bachelors Degree
Name of High School:	Bryan High School
Location:	Bryan TX
Degree Received:	Diploma
Name of the University (Where degree was/will be completed):	TX-Sam Houston State University
Location:	Huntsville TX
Years/Hrs Completed:	
Degree Received:	BS
Major:	Industrial Technology
Date Degree Received:	1990
GPA:	
Name of Other School:	
Location:	

Years/Hrs Completed:
Degree Received:
Major:
Date Degree Received:
GPA:

→ **Licenses Certification**

1. License and/or Certifications
Name: Comptia A+
Date Certified: 04-01-2010
License and/or Certifications
Number: REDACTED
Status / Expiration:

2. License and/or Certifications
Name:
Date Certified:
License and/or Certifications
Number:
Status / Expiration: April 2010

3. License and/or Certifications
Name:
Date Certified:
License and/or Certifications
Number:
Status / Expiration:

U.S. Military Service Branch:
Rank:
Date Entered:
Date Separated:

→ **Employment History**

May we contact your present employer? Yes

1. Present or Last Employer: Home Craftsman
Address: 1101 Inwood STE 101 Dallas TX 75247
Job Title: Maintenance Technicain
Supervisor: Wayne Turner
Telephone: 214-239-0585
Date Employed: From: 02-10-2007 To: 04/12/2009
Starting Salary: 12.00
Final Salary: 12.00
Average Hours Worked/Week: 40
Type of Business/Work
Performed: Maintenance production machinery repairs and installation
Reason for Leaving: Laid off

2. Previous Employer: Western Energy Company
Address: 138 Rosebud Creek Rd Colstrip MT 59323
Job Title: User Support Analyst
Supervisor: Bob Weinstock
Telephone: 406-748-5220
Date Employed: From: 06-21-1999 To: 08-14-2006
Starting Salary: 41667
Final Salary: 49668
Average Hours Worked/Week: 40
Type of Business/Work Performed: Information Systems Analyst
Reason for Leaving: Laid off

3. Previous Employer: Western Energy Company
Address: 138 Rosebud Creek Rd Colstrip MT 59323
Job Title: Engineering Technician
Supervisor: Tom Rossetto
Telephone: 406-748-5100
Date Employed: From: 06-01-1992 To: 06-21-1999
Starting Salary: 32820
Final Salary: 41667
Average Hours Worked/Week: 40+
Type of Business/Work Performed:
Reason for Leaving: Transferred to Information Systems Department

→ Resume / Work History

Resume

STEPHEN S DREW

Hurricane, WV 25526 REDACTED Cell: (469) REDACTED

Engineering Analyst

An Engineering Analyst with a proven track record of providing support services for coal mining civil and site planning for engineering, scientific and technical environments.

SUMMARY

An Engineering Analyst with a proven track record of providing support services for coal mining civil and site planning for engineering, scientific and technical environments that included:

Providing professional and presentational CAD based drawings including: coal mine designs and operational layouts projects to ensure adherence and conformance to specifications.

Conceiving and integrating AutoCAD drafting and design work processes replacing tradition drafting procedures with automated CAD design that increased output and productivity 90%.

Delivering professional AutoCAD technical skills effectively integrating business and work practices in a team environment while meeting or exceeding productivity, quality and safety goals.

PROFESSIONAL EXPERIENCE

Conduct field surveys and data collection to support engineering construction and designs.
Provided advanced levels of AutoCAD drafting, landscape surface modeling and design.
Assisted with capital budgeting, operating expenses and provided recommendations for expenditures.

SR CAD DESIGNER:

Assigned and coordinated all civil drafting projects, reports, revisions and updates.
Provided AutoCAD civil, structural, construction and topographical drafting and design.
Customized and automated AutoCAD menus, profiles and command structures for improving work productivity.
Managed and maintained CAD documents and records for immediate access and archiving processes.
Provided CAD training and assistance along with vital staff support and guidance.

DRAFTER:

Prepared and designed quality and detailed mapping, sketches, graphs, reports, layouts and traditional drawings for civil engineering, reclamation and environmental teams.

TECHNICAL SKILLS

Platforms – Windows Vista, Windows XP, AIX OS, UNIX OS

Hardware – Dell, IBM, GATEWAY, Compaq, MAC

Applications – AutoCAD 2011, Carlson Sulte 2010, Mincom Mine Planning, Minescape, Vulcan Mine Planning, Oracle, Oracle, Access, Excel, MS WORD, MS Project, PowerPoint

EDUCATION

Sam Houston State University – 1990 Bachelor of Science, Industrial Technology (Design and Development)

CERTIFICATIONS

Comptia A+, Comptia Network+, Microsoft MCTP
MSHA OSHA Safety, CPR/First Responder training

→ Work Authorization

Have you ever been convicted of, pled guilty or nolo contendere (no contest) to, or received probation or deferred adjudication for a felony or misdemeanor, including traffic tickets, or are you presently under indictment? (A positive response to this question does not necessarily disqualify you from employment, but an untruthful answer does)

REDACTED

If yes, please explain:

REDACTED

Have you ever had your Drivers License suspended ? No

Have you previously been employed by any EFH Companies (this includes Energy Future Holdings, Luminant, TXU Energy, and Oncor): No

If yes, when/where:

Are you a current or previous employee of Hewitt, Cap Gemini or Atmos Energy ? No

If yes, when/where:



Eugene Holub
Supervisor Mine Planning
T 512-273-0472

Luminant Mining
500 N. Akard
Dallas, Texas 75201

02/29/2012

Stephen Drew
REDACTED
Hurricane, WV 25526

Dear Stephen,

I am pleased to make you an offer of employment as Senior Planning Technician with Luminant Mining (the "Company") effective 03/12/2012, or as soon thereafter as mutually agreed. This effective date is estimated and contingent upon a satisfactory background check, drug screen and reference check. The official start date will be determined once the background check and drug screen have been successfully completed. In this role you will report directly to me. This offer includes the following compensation and benefits, subject to your compliance with the Company's Code of Conduct and other employment policies, including those related to non-disclosure of the Company's confidential and proprietary information:

- **Base Salary:** \$5,125.00 monthly, less applicable withholdings and deductions.
- **Participation in the Broad-Based Annual Incentive Plan ("BBAIP")**, available to Company employees, subject to the terms and conditions of the BBAIP as it may be amended from time to time. Please note the BBAIP and awards thereunder are discretionary and based on a combination of individual, division and Company performance. For the position you are being offered, the 2012 target incentive pay opportunity is 5% of your annual base salary. Any payout for which you are eligible in this new role will be prorated for your period of service in 2012.
- **Relocation:** You will be eligible for benefits available under the Relocation Program available to Company employees - Category Tier I (copy attached), subject to the terms and conditions described therein.
- **Other Benefit Plans:** Participation in all benefits for which you are eligible as an employee of the Company, subject to the terms and conditions of the plans, including: the EFH Thrift Plan and the EFH Health and Welfare Benefits Plan.
- **Vacation:** Entitled to 10 paid vacation days per year as provided for under the Company's vacation policy.

Any benefits offered herein are subject to the specific terms and conditions of the governing plan or program documents and, where applicable, the governing labor agreement, and they are subject to amendment from time to time. This letter is not to be interpreted as an employment contract, but an offer of employment. If accepted, your employment with the Company will be at will and may be terminated by you or the Company at any time, for any reason. *This offer is contingent upon your ability to provide the necessary documentation required under the Immigration Reform & Control Act (IRCA) of 1986, a satisfactory background check and drug screen, and appropriate references. Upon receiving your drug screen packet you will have 72 hours to complete the drug screen process or this offer of employment will be revoked.*

Drew re-applied for employment with Luminant in January 2012, again by submitting an application on EFH's website. (Am. Compl. ¶ 15; Jacobsen Aff. ¶ 5, Ex. B.) Neither EFH nor Luminant solicited Drew's application for employment; rather, on his application, Drew stated that the referral source for his application was a posting on the EFH website, which is maintained by EFH in Dallas, Texas. (Jacobsen Aff. ¶¶ 5-8, Ex. B.) On his resume, Drew indicated that he had a Texas drivers' license and that he was willing to relocate to Texas. (*Id.*) Before inviting Drew for an onsite interview, Eugene Holub, the hiring manager at Three Oaks Mine in Elgin, Texas, conducted a telephone screening of Drew from Texas. (Am. Compl. ¶ 16; Lewis Aff. ¶ 3.)

On February 10, 2012, Drew participated in an in-person interview with Holub at Luminant's Three Oaks Mine in Texas. (Lewis Aff. at ¶ 4.)

On February 27, 2012, Luminant extended and Drew accepted an offer of employment, which was contingent upon his successful completion of a background check, drug screen and reference check. (Jacobsen Aff. ¶ 11, Ex. C; Lewis Aff. ¶ 5.) By accepting Luminant's conditional offer of employment, Drew agreed to relocate to Texas. (Jacobsen Aff. ¶ 11, Ex. C.)

A licensed investigator in the EFH Corporate Security group, Cheryl Anderson, ran an initial background search on Drew through PublicData.com.¹ (Floyd Aff. ¶ 4.) Anderson works in EFH's offices in Dallas, Texas, and she performed the search in Dallas. (*Id.*) Because the initial background search showed that Stephen S. Drew had a prior conviction REDACTED in Rosebud County, Montana, Maurice Floyd, another investigator in the EFH Corporate Security group, contacted the Rosebud County Sheriff's Department to obtain a copy of the Sentencing Order. (*Id.* at ¶ 5, Ex. A.)

On April 5, 2012, Darrell Jacobsen, a Recruiting Manager for Luminant, notified Drew

¹ PublicData.com is a Texas corporation headquartered in Irving, Texas, which maintains a web-based database of public records obtained from government agencies. (Bedell Aff. ¶ 3, Ex. A.)